

JAMES "KIMO" APANA
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September 20, 2002

Mr. William F. Caton
Office of the Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

Re: Reply Comments to the Federal Communications Commission,
Wireless Telecommunications Bureau, Docket 02-55 on the
"Consensus Plan" filed in the 800-MHz Public Safety
Interference Proceeding as described in Public Notices
DA- 02-2202 and DA 02-2306

Dear Mr. Caton:

Enclosed are our reply comments to FCC NPRM Docket 02-55 filed
August 7, 2002, International Telecommunications Association, et
al.

Thank you for affording us the opportunity to respond. We
sincerely hope that the Commission will inevitably reach a
conclusion that preserves public safety communications with
minimal disruption to service, and at no cost to local
governments.

Very truly yours,

A handwritten signature in dark ink, appearing to be "James Apana", written over a faint circular stamp.

JAMES "KIMO" APANA
Mayor, County of Maui

Enclosure

cc: Honorable Senator Daniel K. Inouye
Honorable Senator Daniel K. Akaka
Honorable Representative Patsy T. Mink
Honorable Representative Neil Ambercrombie

Quality Seamless Service - Now and for the Future

In the Matter of)	
)	
Improving Public Safety Communications)	
in the 800 MHz Band)	
)	
Consolidating the 900 MHz)	WT Docket No. 02-55
Industrial/Land Transportation and)	
Business Pool Channels)	
)	
)	

To: The Commission

REPLY COMMENTS TO THE PROPOSED “CONSENSUS PLAN”

The County of Maui hereby submits Reply Comments on the Notice of Proposed Rulemaking (NPRM) in the above-mentioned proceeding.¹ The County of Maui owns and operates a critical countywide public safety system in the 800 MHz NPSPAC band. We have been very involved in these proceedings and will be greatly affected by its conclusion. The County of Maui does not agree with the “Consensus Plan” proposed in the reply comments submitted by ITA et al.²

¹ Notice of Proposed Rule Making, WT Docket No. 02-55 (rel. Mar. 15, 2002) (NPRM).

² Reply comments to FCC NPRM Docket 02-55 filed August 7, 2002, International Telecommunications Association, et al.

I. BACKGROUND

Maui County's 821 MHz radio system consists of eleven (11) repeater sites, utilizes twenty-seven (27) NPSPAC channels, and holds seven (7) various 800 MHz licenses. The system has cost us over \$7 million dollars. The overall age of equipment is less than 5 years old. Users of the trunked system includes Police, Fire, Ambulance, Lifeguards, Civil Defense, Public Works Highways, Sewers, Conservation Enforcement, Harbor Enforcement, Water, and Solid Waste Departments.

The County of Kauai's island wide 821 MHz trunk radio communications system has been in operation since June 1995 at a cost of \$6 million and is on a no cost service maintenance agreement until September 2008. Kauai's seven repeater sites provide radio coverage over an area covering approximately 93% of the populated areas of this island. It is the only island wide radio communications system supporting Police, Fire, Civil Defense, Lifeguards, Public Works, Sewers, Water Department, Transportation and Solid Waste. It is also used to activate the island wide Civil Defense sirens. Other users include state Emergency Medical Services (EMS), Highways, Airports, Department of Land & Natural Resources - law enforcement and forestry, Sheriffs and federal agencies, US Navy Pacific Missile Range Facility, FBI and US Coast Guard.

The City & County of Honolulu countywide NPSPAC trunk system has 64 channels over 26 sites at a cost of over \$26 million. It provides coverage for ALL public safety agencies within the City and County, which covers the entire island of Oahu. It also provides communications for a select number of state and federal government agencies.

II. THE APPROACH

The Commission is attempting to basically address one primary goal and that is to eliminate interference between Public Safety and Non-Public Safety users.

The original proposed plan by Nextel, and the Joint Commenters "counter proposal" referred to as the ***Consensus Plan*** submitted by the ITA address the interference issue by implementing a bold and an aggressive migration plan, spectrum reallocation and funding mechanisms. Although the ***Consensus Plan*** has been submitted to the Commission with the support of the Association of Public-Safety

Communications Officials-International, Inc. (APCO); the International Association of Chiefs of Police (IACP); and the International Association of Fire Chiefs, Inc. (IAFC), our local membership does not support the ***Consensus Plan*** and urges the Commission not to adopt it in its current format.

Maui County's reply comments, which are also supported and endorsed by the County of Kauai Police Department, will simply focus on some of the migration and financial points made in the ***Consensus Plan***, and offers an alternative re-banding plan that minimizes the impact to NPSPAC Public Safety licensees.

The Joint Commenters urge the Commission to create two blocks of contiguous spectrum in the 800 MHz band: one block for non-cellularized (high-site, high-power) system architecture at 806-816/851-861 MHz and one block for cellular-like (low- site, low-power) system architecture at 816-824/861-869 MHz. Maui and Kauai County do not believe this proposal will solve all interference problems between Public Safety and commercial users.

Unfortunately, the so-called ***Consensus Plan*** does not clearly address the above-mentioned issues. For example, the Joint Commenters propose to create a guard band in 814-816/859-861 MHz range, where there are many public safety trunked users (YP) already, adjacent to a newly proposed Cellularized block of channels between 816-824/851-869 MHz. The Joint Commenters further stipulated that a public safety agency could stay in the original YP band where the possibility of interference exists, and may be required to address it on a case-by-case basis.

Also, once Nextel moves to the NPSPAC band, its vacated channels will be available for public safety agencies for only five years. After five years, it would be available for non-public safety agencies as well. In other words, interleaving all over again. There should not be any interleaving with non-public safety agencies as result of any relocation.

We believe the relocation of public safety agencies, especially NPSPAC users, to another band is contrary to the task of improving Public Safety Communications. Any solution which requires Public Safety agencies to relocate to another portion of the electromagnetic spectrum (re-banding) would disrupt their critical public safety operations; raise possible liability issues during migration; pose

significant funding and acquisition problems, not to mention training and non-compatibility of equipment issues. Relocating Public Safety agencies from existing active frequency spectrums should be held to an absolute minimum and only when it is the only method to solve inherent interference problems, such as the interleaved Public Safety YP channels (809-816/855-861 MHz).

Our position with regard to both the *Nextel* and the *Consensus Plan* is that the proposed funding mechanism is totally inadequate. It should be noted that Nextel never pledged \$500 million, instead, they pledged up to \$500 million. Even if \$500 million were committed, that amount evenly distributed among 1320 Public Safety and NPSPAC licensees would be \$379K each. Estimates for the cost to relocate all public safety agencies range from \$1.5 to \$5 billion; where would the rest of the money come from?

Additionally, the Joint Commenters failed to address the disruption to public safety communications. Instead they deferred the situation to the FCC. They said, “The Commission should adopt rules implementing the revised band plan to provide that any mandated relocation of NPSPAC (or other public safety) systems will be without disruption to critical public safety radio communications operations.”

We would support an alternative plan that would maintain the present NPSPAC band intact. We also propose to add the 816-821MHz/861-866MHz just below NPSPAC to create a total of 16MHz (8x8MHz) of spectrum for Public Safety. The incumbent licensees currently in 816-821/861-866 would be relocated as follows: Nextel (which occupies 90% of the affected spectrum) would be relocated to 1910-1915/1990-1995 as proposed by the Joint Commenters. All other incumbents would be relocated to the 70 YP channels. The incumbents moving to the YP channels would receive double the bandwidth they were required to relinquish as compensation for relocation.

III. CONCLUSION

We believe this so called *Consensus Plan* has placed the onus of mitigating interference and subsequent relocation on the public safety agencies. Its funding mechanism is insufficient, very ambiguous and it does not completely resolve the interference issues. What it does seem to do is again introduce

interleaving with non-public safety agencies all over again but in a different part of the band. Realistically, it benefits B/ILT and Nextel much more than Public Safety users, especially the NPSPAC licensees. We oppose any requirements by the Commission to relocate from the NPSPAC band. Instead, Maui County and Kauai County recommend, as an alternative, that public safety agencies already in the NPSPAC band remain in this band and that the Commission add 816-821/861-866 MHz to provide a contiguous 16 MHz bandwidth (8 X 8 MHz), which could be used for common coordination channels, digital data channels and other advanced communications for Public Safety.

Respectfully submitted,



James "Kimo" Apana
Mayor, County of Maui

Supported by:



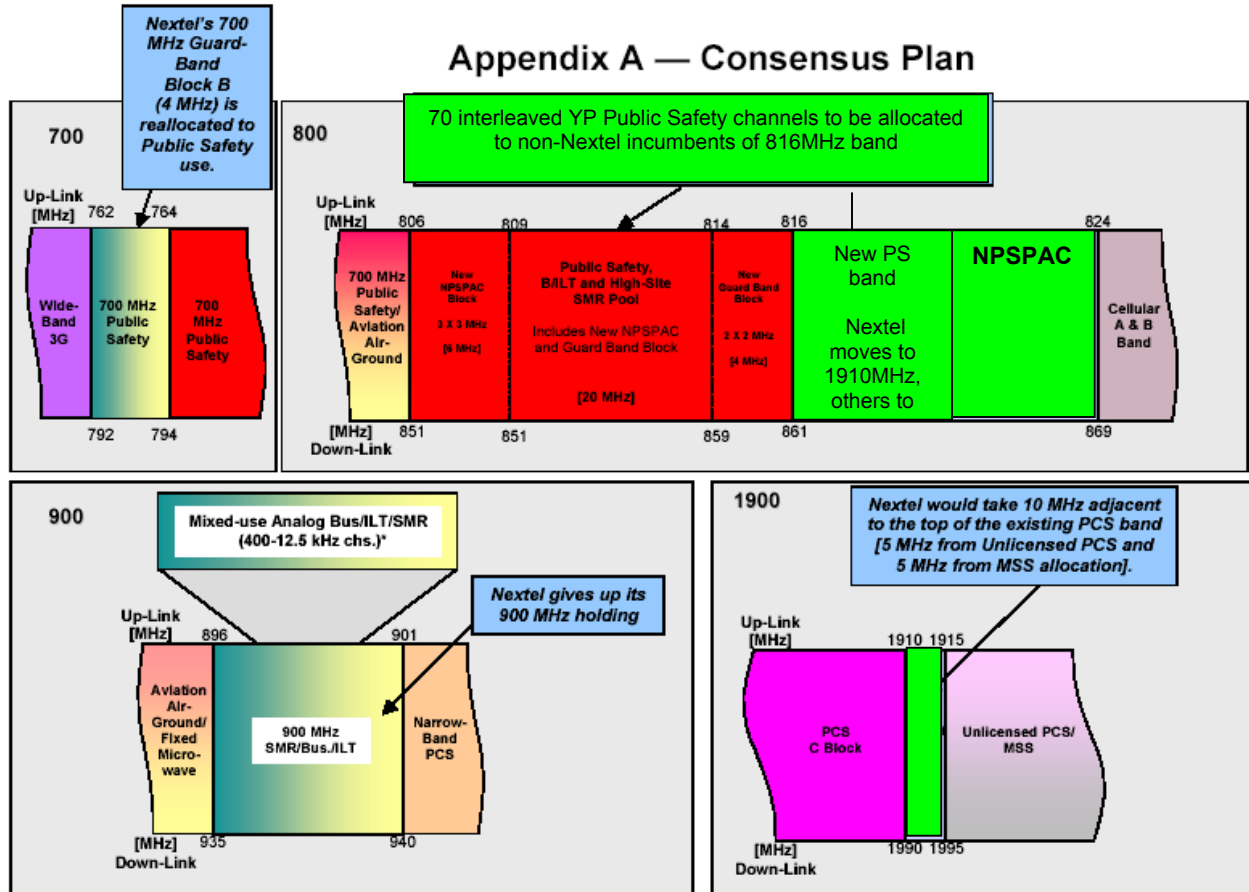
Thomas M. Phillips
Chief of Police
County of Maui



George Freitas
Chief of Police
County of Kauai

cc: Honorable Senator Daniel K. Inouye
Honorable Senator Daniel K. Akaka
Honorable Representative Patsy T. Mink
Honorable Representative Neil Ambercrombie

Appendix A — Consensus Plan



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